IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 350 OF 2004 (S/B)

Dr. Chandra Martoliya
D/o Sri Nathu Singh
R/o C/o Bharat Singh Rawat
Rawat Bhawan, Near TB Hospital
Till Dhukari, Pithoragarh
District, Pithoragarh. …… Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Medical Health & Family Welfare
   Dehradun.
2. Controller/Secretary, Public Service Commission
   Gurukul Kangari, Haridwar, Uttaranchal.
3. Director General, Medical Health & Family Welfare
   Dehradun.

……. Respondents

Sri D.S. Patni, learned counsel for the petitioner.
Sri B.D. Kandpal, learned Counsel for the respondents.

Dated: 08.12.2005

Coram: Hon'ble P.C. Verma, J.
Hon'ble J.C.S. Rawat, J.

By means of this writ petition, the petitioner has prayed for writ of mandamus, directing and commanding the respondents to declare the result of vacancies of Scheduled Tribe quota and consider the appointment of the petitioner on the post of Medical Officer pursuant to the advertisement dated 06.02.2004.

Briefly facts of the case are that the petitioner is a qualified M.B.B.S. doctor, bearing registration No. 046518. The petitioner belongs to Schedule Tribe, as notified by the State of Uttaranchal. An advertisement was published on 06.02.2004, calling desirous candidates on the post of Medical Officer Allopathic in the scale of Rs. 8000-13500/-. The petitioner submitted her application alongwith required documents before the

last date of submitting the application. The petitioner was interviewed against the post reserved for the Scheduled Tribe candidates.

In the counter affidavit, filed by Shri Chandra Shekhar Bhatt, Secretary/Controller of Examination, Uttaranchal Public Service Commission, Haridwar, it has been stated that the petitioner was not found suitable and four posts have been carried forward for the next selection. Thus, in view of this fact the petitioner cannot raise any grievance.

We have heard learned counsel for the parties and perused the entire material on record.

Leaned counsel for the petitioner submitted that he is in service and is posted in Lady Hospital Baijnath, District –Bageshwar. The statement of the fact has also been made in the writ petition that she was later on transferred to the mobile unit as a lady doctor. But the petitioner is being paid a consolidated salary of Rs. 18,500/- per month on contractual basis. This amount is more than that of minimum of pay scale, received by the petitioner. It is apparent that the petitioner is being given all he allowances on the pay scale. Therefore, it is provided that the petitioner shall be allowed to continue till the regular selection is not available and the next selection made. The petitioner will be considered by the respondent in the next selection if he applies and is found eligible by the respondents. In case the applicant is not found eligible in age he may make the representation to the competent authority who shall decide the said representation in accordance with rules.

With the aforesaid observation, the writ petition is disposed of.

(J.C.S. Rawat, J.) **(P.C. Verma, J.)**

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